

Topsfield Conservation Commission

Meeting of Wednesday, June 23, 2010

Topsfield Library Meeting Room

With a quorum present Mr. Hall called the meeting to order at 7:14 p.m.

Conservation Commissioners Present: George Hall, Chair; Holger Luther; Jennie Merrill; Mark Erickson; James MacDougall

Not Present: Jud Pratt

Also Present: Lana Spillman, TCC Administrator; Catherine Tinsley, Minutes Secretary; Dick Gandt, Selectman/Liaison (8:59 pm arrival)

Abbreviations used:

TCC – Topsfield Conservation Commission

DEP – Department of Environmental Protection

NoI – Notice of Intent

CoC – Certificate of Compliance

ORAD – Order of Resource Area Delineation

BVW – Bordering Vegetated Wetland

TCCAP – Topsfield Conservation Commission Administrator Permit

BOS – Board of Selectmen

OoC – Order of Conditions

EO – Enforcement Order

ES – Executive Session

Public information: Agenda

OPEN MEETING:

TCC signed bills, authorizations and time sheets

HEARINGS:

Continuation 2nd Amended OoC TCC 2006-01, 72 Hill Street, (Map 69, Lot 16), Malinowski/Hayes Engineering

Present: Scott Malinowski, homeowner; Gordon Rogerson, Hayes Engineering

Mr. Rogerson submitted two full-size plans, revision number 6, dated June 21, 2010, and identified that the proposal is to install vertical posts with 2-ft. x 8-ft. pressure-treated wood dams and hay bales staked in the trench in four locations on the slope; the top, middle, bottom to reduce velocity of the water flow, and at the very end. He went on to report that the owner is in the process of removing the sand from the trench and wildflower seed will be placed in the trench to help reduce the water flow.

At the request of TCC, Rogerson confirmed that rocks will be placed in front of the check dams and riprap at the end. Mr. Luther stated that three feet of space in the trenches is necessary for water to collect; the sediments need to be removed to allow that space. There was no public comment.

Mr. Luther made a motion to close the public hearing. Mr. Erickson seconded and the motion carried unanimously.

Mr. Luther made a motion to issue a Amended order of Conditions of revision plan no.6 dated June 21, 2010, with the addition of riprap on the upstream weirs and riprap at the very end of the trench/ property line to be installed and that the owner completes hand removal of sediment until the site is fully stabilized. Mr. McDougall seconded and the motion carried unanimously.

Continuation NoI 307-0661: 198 Central Street, (Map 50, Lot 1), McCarthy, North Shore Heritage Associates, Inc.

Present: Gerard McCarthy, Bob Lynch

Mr. McCarthy addressed the TCC's concerns about the bioretention area, saying Atlantic Engineering and Survey would design the detail requested that is lacking on previous plan. Mr. Lynch reviewed the details of the plan with the TCC. He identified that there would be half a basement for utilities under the building. The drainage is designed to go toward the rear of the property, using a rain garden as mitigation. He reported that the soil is sand and the driveway area has been reduced from what was shown on the previous plan. A 2-foot tall weir will be installed and will overflow on 100-year storms; all other water will infiltrate. This is A type soil. The driveway is to be pitched away from the building and sloped through a gravel swale. All water from the site will remain onsite and water from the street should not cross over onto the property. Mr. Luther questioned the effectiveness of the rain garden saying it is barely over the high water level if at all. Currently the area is dry land with no wetland plants. The engineer stated he believes the bio mat that would be there and plants will take care of the pollution that will fall off the driveway. Mr. Lynch stated he has not done soil testing but has dug onsite and is confident this will work. There was no public comment.

Mr. Luther made a motion to close the hearing. Mr. MacDougall seconded and the motion carried unanimously.

Mr. Hall requested verification of soils and plants and materials meet specification, and that documentation be submitted. The source was identified as Prince George's County Bioretention manual with modification by Cahill Associates 2004.

Mr. Luther made a motion to issue an OoC with Special Conditions under the Act and the Bylaw and if the water table doesn't allow as specified that work be stopped and a new design presented.

Ms. Merrill seconded and the motion carried unanimously.

Mr. Luther made a motion to approve the NOI as shown on the plan entitled Permit Plan at 198 Central Street dated June 16, 2010; revision no. 1, with the following special conditions: that a report is provided of the details of the construction of the rain garden inclusive of the water table construction and certificate of materials used in the construction thereof. Ms. Merrill seconded and the motion carried unanimously.

ANRAD 307-06__ : 116 Boston Street, (Map 69, Lot 13), Cheever/Hayes Engineering

Ms. Merrill read the legal ad. This filing is for verification of a wetland line offsite that creates Buffer Zone on this property; there is a current OoC for construction of a new septic system.

Present; Elizabeth Wallace, Wetland Scientist

Ms. Wallace identified a 100-foot Buffer Zone located adjacent to the abutting property to the north, at the northwest corner. It was determined there is a jurisdictional wetland across Route 1. Ms. Wallace explained that development options are being considered, including residential lots. Ms. Spillman will schedule a site visit. There was no public comment.

Mr. Luther made a motion to continue the hearing to July 7th with the consent of the applicant in order to obtain a DEP file number. Ms. Merrill seconded and the motion carried unanimously.

NoI 307-06__ : 19 Towne Lane, (Map 33, Lot 62), Davin/C.G. Johnson Engineering, Inc.

Ms. Merrill read the legal ad. The proposal is to upgrade a septic system partly within Buffer Zone of a BVW containing an Intermittent Stream.

Present: Jane Davin (applicant) and Charles Johnson, C.G. Johnson Engineering, Inc.

Mr. Johnson referenced a plan entitled, "Waste Water Treatment Upgrade for 19 Towne Lane," dated June 9, 2010, saying Bill Manuel flagged the BVW. He reviewed the design for the 5-bedroom home, saying they have met Topsfield regulations; this is a pump system with one 2000 gallon/2-compartment tank and a pump with a series of 5 infiltrated trenches. The closet distance to the wetlands is 55 ft. Mr. Johnson confirmed that materials from the existing system will be hauled off site.

Mr. Luther made a move to continue to July 7th with the applicant's consent in order to obtain a DEP file number. Ms. Merrill seconded and the motion carried unanimously.

NoI 307-06__ : 1 Pond Street, (Map 69, Lot 6), Maling/C.G. Johnson Engineering, Inc.
Ms. Merrill read the legal ad. The proposal is to upgrade a septic system, a portion of which is within Buffer Zone of BVW/Hoods Pond. And, where vegetation was cut extensively along the edge of the pond, the proposal is to allow vegetation to become re-established, with scheduled monitoring, especially for invasive species.

Present: Charles Johnson, C.G. Johnson Engineering, Inc.

Mr. Johnson reviewed the site plan dated June 9, 2010 to upgrade the septic system.

He identified the wetlands and the location of Hood Pond. The system meets the Town's local bylaws, except for the distance of the leaching field from the well.

There was no public comment. Ms. Spillman noted extensive cutting of vegetation along the pond; there will be a condition to monitor for invasive plants.

Mr. Luther made a motion to cont the hearing to July 7 with the applicant's consent, in order to obtain a DEP file number. Ms. Merrill seconded and the motion carried unanimously.

NoI 307-06__ : Former Rail Line/Rail Trail – Summer Street to Wenham Line, (Maps 49 & 58; Lots 44, 88 & 2, 52) Town of Topsfield – Rail Trail Committee/Geller

Ms. Merrill read the legal ad. The project is for remaining activities related to development of the Rail Trail from Summer Street to the Wenham line and for control of invasive plant species.

Present: Joe Geller, Gregg Demers, and Roy Baessler, Rail Trail Committee; Joe Hatstrup, Iron Horse Preservation Society

Mr. Demers explained details of the process to remove the ties and material between the ties. Next would be placement of 4 inches of processed gravel with a topping of stone dust. He added that the wetlands had been flagged by Jim MacDougall and near the Ipswich River they have installed posts on either side of the Ipswich River. Mr. Hall stated that this is a challenging review because it is a long linear project and he suggested that the wetland systems be dealt with individually as a coherent way to address the trail development.

He suggested that the wetland systems are dealt with individually as a coherent way to address the trail. The TCC talked about breaking up discussion of the trail into sections and specifically identified Summer Street to Route 1 as one of the problematic areas.

Mr. Hatstrup explained that a small reach forklift would be used no avoid beating the trail down to remove the ties, and a skip loader would then be used to get the rough grade with a little contour for drainage, and then the trail would be compacted. Impact and erosion control proposed is to determine which areas need protection.

Mr. MacDougall reviewed the flagging of each map of the Rail Trail using contour maps of 1997, and pointed out potential areas of concern, by map:

- Map 9
 - Area of collapsed culverts – erosion problem that needs to be addressed.
- Map 8
 - Area that looks like a vernal pool – just a puddle now.
 - If siltation fabric is installed in this area, it should come out March 15th to allow for amphibian migration
- Map 7
 - Walkway to SBWSB canal
 - Wetland is close to the rail bed here
 - Culverts underneath are not major.
 - Floodplain in this area can function as vernal pools.
 - Report of chorusing heard in spring – behind Stump house. Ralph Stump (in audience) agreed.
 - Stump explained that in flooding conditions, there is a breach of the path to the canal, resulting in a connection to the vernal pool. He added that only during large rainfalls does it breach.
- Map 6- none noted

- Map 5
 - Geller reported that FEMA may provide funding for structural repairs to the bridge, spillway and crossing over the Ipswich River.
 - MacDougall explained that just upstream was the first test area for definition of Mean Annual High Water of the River – at the granite bridge along the trail.
 - There is a turtle habitat at the bridge that must be protected and the TCC reiterated that no fabric is used.
 - MacDougall explained that on either side of the bridge is turtle nesting habitat. Any geotextile fabric should not go into the center of the trail because the turtles cannot handle the geotextile fabric when creating a nest.
 - Concerning access for fishermen, Geller explained that although it is not part of the NoI, their intent is to provide steps down to the water at a later time for access and to prevent erosion from foot traffic.
- Map 6 – none noted
- Map 5 – none noted
- Map 4
 - Wetland functions as a vernal pool; this section was under water during the significant flooding earlier this year.
 - The floodplain storage cannot be altered.
- Map 3
 - The area that backs up from the culvert is part of the floodplain.
 - Parking area at fair grounds; wetlands along School Brook; perennial stream
 - Near Maple Street – sump pumps from local homes
- Map 2
 - Wetlands along trail; Riverfront areas
- Map 1
 - Under Route 1 and Cleveland Brook/School Brook area
 - MacDougall interprets an area previously considered bordering to be a small isolated wetland.

The hearing was opened for public comment:

Alice Arnold, 38 Pemberton Road, said the trail is under water and that she has submitted photos of this observation. She noted her concern that work on the trail does not increase the flooding.

Mr. Geller noted that the drainage ditches in this area are filled with yard waste.

Ralph Stump, Valley Road, noted the parking lot on Route 1 floods in large rain events and the rails have acted as a dam and sent the water back into the culverts. He warned of washouts. He went on to question water management along the trail, observing the increase in flooding and questioned if intermittent streams should be wiped out and stated that he has observed water flow along Pemberton.

Mr. Luther made a motion to continue the hearing with the consent of the applicant to July 7, 2010. Ms. Merrill seconded. Discussion followed:

Mr. Stump stated he had other concerns but could hold them to the next meeting. Mr. Hall suggested that a sub group address these concerns. Mr. Stump referenced his March 4th letter comments concerning contamination of the rail bed with creosote. The TCC has some information but has not completed the review. Stump questioned Page 4 of the proposed mitigation and asked the TCC to look at this for content.

Mr. Geller requested details from the TCC that the Rail Trail Committee would need to address. Mr. Hall responded that when the Order of Conditions is issued it would include conditions for appropriate erosion control measures, where work would be close to culverts to ensure those are protected, and mitigation adequate to address creosote contaminated materials. TCC asked for an engineered drawing for how exposed cement pipes would be repaired and summarized that good work practices are not mitigation; perhaps restoring drainage patterns would be mitigation.

Under the Determination of Applicability issued previously, Iron Horse will remove ties. Mr. Geller questioned if wood instead of siltation fencing could be installed next to the Ipswich River Bridge under the Determination. This would be addressed in the Order of Conditions.

The motion carried unanimously.

RDA 2010-05: 23 Gail Street, (Map 40, Lot 39), Merrill

Ms. Merrill read the legal ad. Present: Bill Merrill, Applicant. For the record, Ms. Merrill stated that she is not related to Bill Merrill.

The proposal is to remove numerous storm-damaged trees plus some large trees that are susceptible to storm damage and close to the house, all in Buffer Zone of BVW. No activities are proposed in the BVW. The square footage exceeds the 3000 sq foot limit allowed with the TCCAP.

Ms. Spillman had made a site visit and had no concerns. There was no public comment.

Mr. Erickson made a motion to close the hearing and issue a Negative Determination of Applicability with Conditions under the Act and the Bylaw. Ms. Merrill seconded and the motion carried unanimously.

ENFORCEMENT, APPEAL REPORTS, UPDATES:

SORAD 307-0640: 57 Candlewood Drive/109R Perkins Row, (Map 43, Lot 7), Skeffington.

There was no update.

2nd Amended Enforcement Order #4: 215 Washington Street, (Map 46, Lot 7), Galka

Spillman summarized a recent discussion with DEP.

Enforcement Orders: Off Cross Street, (Map 62, Lot 2) Nash. There was no update.

REQUESTS:

CoC 307-0614: 39 Prospect Street, (Map 40, Lot 97), Dorn

The project was construction of a septic system in BZ and Riverfront Area for a new single-family house. This is the second OoC, following an EO, change in ownership, and 2nd EO. Monitoring reports were submitted as required. Spillman made a site visit about two weeks ago and recommended issuance.

Mr. Luther made a motion to issue a Certificate of Compliance with Continuing Conditions under the Act and the Bylaw. Ms. Merrill seconded and the motion carried unanimously.

CoC 307-0649: 30 Coppermine Road, (Map 74, Lot 3), Roselli

The project was construction of a pool, patio, etc. in Buffer Zone. Spillman made a site visit and found the property to be in compliance with the OoC.

Mr. Luther made a motion to issue a Certificate of Compliance with Continuing Conditions under the Act and the Bylaw. Ms. Merrill seconded and the motion carried unanimously.

Extension OoC 307-0452: 14 Arrowhead Road, (Map 32, Lot 31), Carpenito

Present: Erica Carpenito

Ms. Spillman reported that this is a formerly developed lot, which now is vacant. The OoC is for construction of a new house, with only the septic system in the Buffer Zone. The request is for a three-year extension.

Mr. Luther made a motion to issue an Extension to the Order of Conditions for three years, under the Act and the Bylaw. Ms. Merrill seconded and the motion carried by unanimous vote.

Extension OoC 307-0588: 20 Aaron Drive, (Map 12 Lot 8), Peacock

Request is for a two-year extension. The OoC is for a swimming pool and addition in Riverfront Area and Buffer Zone.

Mr. Luther made a motion to issue an Extension to the Order of Conditions for two years, as requested, under the Act and the Bylaw. Ms. Merrill seconded and the motion carried unanimously.

OLD BUSINESS, UPDATES, & MISCELLANEOUS:

279 High Street, (Map 71, Lot 26), Crocker – update

Mr. Crocker reported by phone to TCC that the work is expected to be done in two weeks.

19 and 19R Pheasant Lane, (Map 6, Lot 23 and Map 11, Lot 2) – update

Ms. Spillman reported that the Selectmen tabled this to their next meeting to get more information regarding the vote to award the contract for surveying services. Mr. Gandt further explained.

Ipswich Road Project – update

Mr. Luther said the area of concern/outfall at Pine Street was stabilized as requested. Spillman reported receiving a message indicating their interest in seeking a CoC.

30 Wildes Road/New Meadows, OoC 307-0643, (Map 8, Lot 5) – No update was given.

Water Quality Monitoring, School Brook behind Town Library – No update was given.

207 Boston Street, Topsfield Fairgrounds –Follow-up – Parking letter

The letter has not been written.

Beaver Policy

This was not discussed.

OoC 307-0583, Ferncroft Country Club, (Map 80, Lots 1 and 3) – update

Ms. Spillman reported on her site visit with the Army Corps of Engineers and several others, saying that the site looks good but some areas are not planted yet.

ADMINISTRATOR’S REPORT:

- The 2nd meeting in July will be a non-public hearing/meeting, e.g. for update of the TCC strategic plan, etc.
- **New Commissioner**
David Moniz has withdrawn his application to become a Commissioner.

- **Intern, Alexandra Frisch** – activities so far

Ms. Spillman reported Ms. Frisch has been doing some office work such as filing. She also is working on brochures regarding invasive species in Topsfield as handouts for residents. Spillman mentioned the possibility of Alexandra monitoring some conservation lands under TCC’s management and asked for suggested projects from Commissioners. Hall suggested an improved canoe landing, especially to improve the surface and prevent erosion, at the Route 97 landing just before the Ipswich River Bridge. The TCC observed that there is great erosion from foot traffic along the canoe landing of the river. Hall suggested that Alexandra talk with the Middleton Stream Team about how they stabilized the canoe areas in Middleton.

EXECUTIVE SESSION: Potential litigation – update

No executive session was held.

10:30 p.m. – Mr. MacDougall made a motion to adjourn and it was unanimous to do so.

Respectfully submitted,

Catherine Tinsley

Accepted at the TCC meeting on November 17, 2010.

Pursuant to the “Open Meeting Law, G.L.39 23B, the approval of these minutes by the Commission constitutes a certification of the date, time, and place of the meeting, the members present and absent, and the action taken at the meeting. Any other description of statements made by any person, or the summary of the discussion of any matter is included for the purpose of context only, and is not certification, express or implied, is made the Commission as to the completeness or accuracy of such statements.